IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1057 OF 2004

M/s S.S.F. Plastics and ors. ...Petitioners

v/s

Mr Vivekanand C. Hiremath and anr. ...Respondents

Mr A.D. Shetty with Ms Rita Joshi for Petitioners.

Mr Mahesh Londhe i/b M/s Sanjay Udeshi and Co. for Respondents.

CORAM : D.K. DESHMUKH J.

DATE : 27TH JULY 2006.

P.C. :-

1. This petition is directed against the order passed by the Industrial Court dated 23rd March 2004 in revision filed by the respondent No.1. The respondent had filed complaint (ULP) No.579 of 2003 before the Labour Court. In the complaint, he had made an application for interim relief. That application was rejected by the Labour Court. Therefore, the respondent filed revision application (ULP) No.17 of 2004. That revision application was decided by order dated 23rd March 2004. The Industrial Court set aside the order passed by the Labour Court, directed the petitioners to permit the respondent to resume duty, also directed the petitioners to pay wages to the respondent. In the present petition, this Court has stayed that order, therefore, the order passed by the revisional Court really never operated. Now, complaint (ULP) No.579 of 2003 has been dismissed for default by the Labour Court by order dated 14th June 2005. The leaned counsel states that the respondent has not taken any steps so far to get that complaint restored. As a result of the dismissal of the complaint, really the order passed by the Industrial Court which was to operate as an interim order during the pendency of the complaint, cannot survive. That order really never operated because of

the interim order passed by this Court in this writ petition. The position therefore is that unless and until complaint filed by the respondent before the Labour Court is restored, the order of the Industrial Court which is impugned in this petition cannot operate. I this view of the matter therefore, the petition is disposed off with liberty to the petitioners to apply for revival of the petition in case the complaint filed by the respondent before the Labour Court is restored by the Labour Court. Rule is discharged accordingly with no order as to costs.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.